



## GREENWOOD COMMON COUNCIL AUGUST 2, 2004 MINUTES

Mayor Charles Henderson called the meeting to order at 7:00 p.m.

The audience recited the Pledge of Allegiance in unison, after which the Rev. Wayne Murray of the Grace Assembly of God led in prayer.

<b>PRESENT:</b>	Council members Bruce Armstrong, Ron Bates, Bill Bless, Ron Deer, John Gibson, Keith Hardin, Jessie Reed; Mayor Henderson; Clerk-Treasurer Jeannine Myers; and City Attorney Shawna Koons-Davis.
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Mr. Bless moved to approve the minutes of July 19<sup>th</sup> as presented, with second by Ms. Reed. Vote: Ayes (Gibson – Abstain). Motion carried.

From the audience, Chief Information Officer Rick Jones requested that a correction be made to the minutes of June 21, 2004 under the discussion of Ordinance No. 04-22. It shows that his budget has “increased” over the past several years, but Mr. Jones noted that it has “decreased”. Mr. Gibson moved to correct the minutes as discussed. Second by Mr. Armstrong. Vote: Ayes. Motion carried.

The City Attorney had distributed her litigation report. There were no questions from the Council.

Mr. Armstrong reported that the last meeting of the Plan Commission was a training session which included a “Meet and Greet” with Bill Peeples, the new Johnson County Planning Director, and discussion of the two 90-degree curves on Worthsville between Averitt and Honey Creek. He had drawings of the options to show the Council.

Mr. Deer stated that the tax abatement committee meets tomorrow night at 7:00 p.m. in the first-floor conference room.

Mr. Bless reported for the Meet & Confer Committee that representatives of the Police and Fire departments presented proposals – 1) a 12% increase in base pay over a four-year period and 2) a lock on higher insurance premiums for four years. Mayor Henderson commented that he is open to doing a four-year plan and went on to comment on the employee contributions for insurance, which he said have only been raised a couple of times. This led to more discussion. The Mayor is waiting on projections from the Human Resources Department.

**ORDINANCE No. 04-28** – An Ordinance Annexing Certain Territory Contiguous to the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana, Approximately 51.54 Acres Located South of Curry Road, and Along the West Side of Honey Creek Road, and Commonly Known as the Forest Lawn Memory Gardens, Inc. Property. **CONTINUED UNTIL SEPTEMBER 8, 2004 MEETING FOR FIRST READING AND PUBLIC HEARING.**

**ORDINANCE No. 04-32** – An Ordinance to Amend the Official Zoning Map Adopted by Reference in Zoning Ordinance No. 82-1 Entitled “An Ordinance Establishing Comprehensive Zoning Regulations For the City of Greenwood, Indiana, and Providing for the Administration, Enforcement, and Amendment Thereof, In Accordance With the Provisions of I.C. 36-7-4-600 et seq. Laws of Indiana As Amended, and For the Repeal of All Ordinances in Conflict Herewith” (Proposed Rezoning of approximately 30 acres of land located west of Combs Road, commonly known as Mann Properties, LLC (Franklin College, Mayme Pass Trust, Jeb and Angela Dickens and Robert and Aileen Robison Properties). **POSTPONED UNTIL SEPTEMBER 8, 2004 MEETING FOR FIRST READING AND PUBLIC HEARING.**

**ORDINANCE No. 04-33** – An Ordinance Annexing Certain Territory Contiguous to the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana, Approximately 44.2 Acres Located on the West Side of Combs Road and North of County Road 1000N, and Commonly Known as Mann Properties, LLC Property (Franklin College, Mayme Pass Trust, Jeb and Angela Dickens and Robert and Aileen Robison Properties). **POSTPONED UNTIL SEPTEMBER 8, 2004 FOR FIRST READING AND PUBLIC HEARING.**

**ORDINANCE No. 04-34** – An Ordinance Annexing Certain Territory Contiguous to the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana, Approximately 5.010 Acres Located on the West Side of Combs Road and Bordering the South Boundary of the Regency Windsor Development, and Commonly Known as Mann Properties, LLC Property (Franklin College, Mayme Pass Trust, Jeb & Angela Dickens, and Robert & Aileen Robison Properties). **POSTPONED UNTIL SEPTEMBER 8, 2004 FOR FIRST READING AND PUBLIC HEARING.**

**ORDINANCE No. 04-36** – An Ordinance to Amend the Official Zoning Map Adopted by Reference in Zoning Ordinance No. 82-1 Entitled “An Ordinance Establishing Comprehensive Zoning Regulations for the City of Greenwood, Indiana, and Providing for the Administration, Enforcement, and Amendment Thereof, In Accordance With the Provisions of I.C. 36-7-4-600 et seq. Laws of Indiana As Amended, and For the Repeal of All Ordinances in Conflict Herewith” (Proposed Rezoning of Lots 1 and 2 in the Joseph Scudder’s Addition, 402 and 412 W. Main Street, commonly known as Thomas Weartz and Leon NicholSEN Properties). Mr. Hardin moved to pass Ordinance No. 04-36 through first reading with second by Mr. Bless. Attorney Joe Van Valer represented Tom Weartz, who was present. Mr. Van Valer mentioned that Mr. Weartz has been rehabilitating a house on the northwest corner of Main and Greenwood, which is one of the two lots mentioned. The petitioner requests a rezoning from R-2 to B-1 and it is proposed that the two existing structures will be used as offices and professional services, compatible to the neighboring homes and the general area. Mr. Van Valer next discussed zoning commitments – stressing that the structures are to be maintained as residential architecture. He recounted a favorable staff report and a unanimous favorable recommendation by the Plan Commission. He told the Council, then, that there is sufficient land on these lots to meet the landscaping and parking requirements of the ordinance. The houses are fourteen feet apart, with the property line seven feet from each, said Mr. Van Valer, and they have discussed a waiver, with a privacy fence between the two lots. Mr. Van Valer next touched on the Comprehensive Plan, highlighting that business land use patterns are shown to provide a transition or buffer area between uses that might otherwise conflict. Mr. Armstrong reported that one person expressed concerns about the parking, which will come up at the site development stage. Vote: Ayes. **PASSED FIRST READING.**

**RESOLUTION No. 04-21** – A Resolution of Consent For the Annexation of Land by the Town of Bargersville. Mr. Gibson moved to pass Resolution No. 04-21 on first reading. Second by Ms. Reed. Attorney Nick Kile appeared on behalf of the Town of Bargersville and passed out a map to facilitate the discussion. Mr. Kile related that Bargersville has pending an ordinance to annex an area north of town. A fiscal plan has been adopted by resolution. By statute, in order for Bargersville to annex territory that is within three miles of the corporate limits of Greenwood, it must obtain the consent of this council. Mr. Kile had distributed to Council members a map with the proposed annexation area outlined in black, mentioning Sections 23 and 25 in particular. He recalled a meeting a few weeks ago with the Mayor, City Attorney and Councilman Armstrong to discuss the proposal to obtain consent from this Council. At that meeting, Mayor Henderson suggested that it would also make sense to resolve some issues concerning sewer service territory at this time. Details of the division were discussed at the meeting. Commitments that may have been made to developers or homeowners in the area also have to be considered. This area was highlighted on the map. Mr. Kile then discussed details of a relevant agreement that was attached to the resolution. At this point Sanitation Superintendent Keith Meier was invited to outline Greenwood’s sewer service area. Discussion on commitments by Bargersville made to homeowners on septic systems followed. Mayor Henderson told the Council he did not think the Bargersville area should extend north of 600N. Mr. Armstrong commented that a lot had been added to the yellow highlighted area on the map since the meeting. Mayor Henderson explained that during discussions with Bargersville utilities several years ago, their engineer at the time said that the watershed line between 500N and 600N was a reasonable break but it was agreed to set the dividing line at 600N. The Mayor asserted that Greenwood could serve the area north of 600N in the same timeframe as Bargersville. Ms. Reed suggested that this needs to be resolved between the engineers of Greenwood and Bargersville. There followed prolonged discussion on how long it would take to serve the area in yellow and the impact on the

system. Mr. Hardin moved to table the resolution for further study. Second by Mr. Gibson. Vote: Ayes. **RESOLUTION No. 04-21 TABLED.** Ms. Reed then moved to include the engineering firms from Bargersville and from Greenwood to make recommendations on the boundary area. Second by Mr. Gibson. Vote: Ayes. Motion carried.

**ORDINANCE No. 04-20** – An Ordinance Annexing Certain Territory Within the Area of Extended Jurisdiction of the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana, Approximately 110.18 Acres Located East of I-65 and North of East Main Street (commonly known as the Sarah Mae Windhorst Revocable Trust Property). **POSTPONED UNTIL SEPTEMBER 8, 2004 FOR SECOND READING.**

**ORDINANCE No. 04-30** – An Ordinance to Transfer Funds Within the Local Road and Street Fund Budget (\$38,000) of the Street Department. Mr. Bates moved to pass Ordinance No. 04-30 through second reading. Second by Mr. Gibson. Vote: Ayes. **PASSED SECOND READING.**

**ORDINANCE No. 04-31** – An Ordinance to Repeal Greenwood Common Council Ordinance No. 66-23, As Amended, to Repeal Greenwood Common Council Ordinance No. 01-25, to Amend Greenwood Common Council Ordinance No. 88-75, As Amended, to Amend Greenwood Municipal Code (1993), As Amended, Chapter 4, Article 1, Section 4-16 “Chart on Fees, Permits, and Licenses”, and to Repeal Greenwood Municipal Code (1993), As Amended, Chapter 4, Article 2, Section 4-158 “Sound Amplifiers”, to Eliminate the Issuance of Sound Amplification Permits”. Mr. Bates moved to pass Ordinance No. 04-31 on second reading. Second was by Mr. Hardin. Vote: Ayes. **PASSED SECOND READING.**

**RESOLUTION No. 04-20** – A Resolution of the Greenwood Common Council to Adopt the Written Fiscal Plan for the Annexation of Approximately 49.21 Acres Located on the West Side of Combs Road 644 & 952 N. Combs Road, Referencing Annexation Ordinances No. 04-33 and No. 04-34. Mr. Bless moved to pass Resolution No. 04-20 on second reading. Second by Mr. Deer. Vote: Ayes. **RESOLUTION No. 04-20 PASSED SECOND READING.**

**ORDINANCE No. 04-37** – An Ordinance to Establish a Special Non-Reverting Fund to Administer Money Received for Sale of Greenwood City Flags. **INTRODUCED.**

**ORDINANCE No. 04-38** – An Ordinance Amending Chapter 2, Article 6, Sec. 2-38, and Chapter 8, Article 9, Sec. 8-115 Exhibit A, of the Greenwood Municipal Code, As Amended, Designating No Parking on Holman Place and Along the Curves of Elm Drive Within the City of Greenwood. **INTRODUCED.**

**ORDINANCE No. 04-39** – An Ordinance Providing for an Additional Appropriation From the City Court Document Storage Fee Fund to the Greenwood City Court for a Digital Recorder (\$8,500) and an Additional Appropriation From the City Court Late Fee Fund to the Greenwood City Court for Costs Associated with Installation of Video Equipment (\$5,000). Judge Lew Gregory told the Council that the recording equipment is being paid for out of the Document Storage Fee Fund set up by the State, explaining that the existing recording equipment is reaching the end of its life expectancy. Discussing the video equipment, he stated that computers will be integrated into the audio-video system they are in the process of installing and the additional appropriation covers mostly miscellaneous work, wiring, cabling, etc. **INTRODUCED.**

**RESOLUTION No. 04-22** – A Resolution of the Greenwood Common Council Regarding the Need to Lease Office Space for Greenwood City Court Post-Conviction Services Division. Judge Gregory indicated that he anticipates moving this division out onto Emerson Road, where three other departments have located. A 27-month lease, which begins October 1<sup>st</sup>, has been drafted at a rate the Judge believes is identical to what the City is paying, except for the rest of this year. Judge Gregory asked that concerns be expressed quickly, as the landlord plans to begin working on the space within two to three weeks, in order to meet the October 1<sup>st</sup> deadline. **INTRODUCED.**

Under miscellaneous business Mr. Deer mentioned an e-mail notice about a non-attainment workshop. The Mayor said this will take place tomorrow at 10:00 a.m. at the R.E.M.C. building and he will be attending.

Mr. Deer reported a meeting last week in Ottawa to look at their regional transportation and described it as enlightening and interesting. Government operations in Canada are different from the United States,

he mentioned, but the meeting went well. Our I.R.T.C. approved going forward with the direction study, which is taking the northeast corridor as the preferred corridor to study further.

Mr. Bless reported receiving a phone call from Steve Webber complaining about loud boom boxes and automobiles at County Line and Sherman Drive. Chief Hessman said they had issued citations and will continue tracking those down.

Ms. Reed then brought up concerns that the Council was not invited to the "coming out" party for the City flag. Mayor Henderson indicated that he was called at 8:15 that morning and that his office had nothing to do with the arrangements.

Ms. Myers mentioned that everyone should have received a spreadsheet with the new cash balances.

Mayor Henderson stated that the final grading on Main Street north of the railroad track is completed.

In response to Mr. Gibson, Mayor Henderson replied that on the clean-up of some of the unsightly yards, with new State statutes, if Greenwood used private contractors instead of doing it in-house, in the event of a tax sale or foreclosure on the property, we would be at the top of the list to be reimbursed.

Ms. Reed then asserted that she thought that the Redevelopment Commission's \$2 million-dollar bond issue for the Graham Road project should have been brought before the Council. Ms. Koons-Davis explained that the Commission has separate bonding authority under the Indiana Code and doesn't have to come through the Council if they don't exceed \$3 million in principal. She will speak to their attorney so that the Council is informed. She had hoped the Council was receiving the minutes of the Redevelopment Commission.

Mayor Henderson indicated that the contractor was supposed to start work in Valle Vista today. Mr. Armstrong reported that they started this morning on the very west edge of Valle Vista doing curb cuts and got along the entire west perimeter on the west side of the street.

The Mayor recalled a presentation on excess levy appeals by H.J. Umbaugh & Associates. If the Council desires to move forward, he understands that we need to do a resolution. The City Attorney stated that it would have to be advertised in the budget and we would need to know the requested amount of excess levy to make the first advertisement at the end of August. The resolution needs to be in place, she said, before we would do that. The consultant is willing to work with us in order to make sure it is correct. Counsel indicated that there is no time limitation set by statute. It was the consensus of the Council to proceed. The City Attorney will prepare an additional appropriation ordinance and the Professional Services Agreement. The Clerk-Treasurer will contact H.J. Umbaugh and discuss the estimated time frame and rates.

Mr. Armstrong asked about the necessary paperwork for the Clerk-Treasurer's relative working in her office. Ms. Myers thanked him for bringing that to her attention and indicated that she was being paid \$5 less an hour than others in that part-time position. Ms. Koons-Davis will prepare the Conflict of Interest Disclosure Statement.

Mr. Gibson mentioned that some department heads are not signing purchase orders completely and suggested that Ms. Myers remind them. There was also a question on equipment not returned on a claim.

Budget presentations were next. Chief Hessman was first for the Police Department.

At this point the Council recessed and reconvened in ten minutes.

Judge Lewis Gregory was next with the Court and Post-Conviction Services budget and Ms. Myers with the Clerk-Treasurer's budget.

There was discussion on a hotel bill for the Police Department. Chief Hessman thought it would be easily explainable, but he wanted to look at the claim.

After more discussion on the budget process, and with no further business, the meeting adjourned at 9:25 p.m.